

*Appl. No. 10/025,082  
Reply to Final Office Action Dated Dec. 29, 2005*

### **REMARKS**

With the foregoing amendment claims 1-5 and 8-24 are pending in the application. Claims 1, 10, 16, 21 and 22 are independent. No new matter has been added by the amendments. Applicants respectfully request reconsideration of the present application.

#### **Allowable Subject Matter**

Applicant respectfully thanks the Examiner for indicating that claims 16-20 are allowed and claims 6-9 and 12-15 would be allowable. Claim 1 has been amended to include the features of claim 6 and 7. Accordingly, claims 1-9 are now in condition for allowance. Likewise, new claim 21 corresponds substantially to dependent claim 12 re-written in independent form. Thus, claim 21 is in condition for allowance. Lastly, new claim 22 corresponds substantially to claim 13 re-written in independent form. Thus, claim 22 is also in condition for allowance.

#### **Rejection of Independent Claim 10**

Claim 10 stands rejected under 35 U.S.C. § 102 as being anticipated by MacLean (US 6,144,408). Applicant respectfully disagrees.

Claim 10 is not anticipated by MacLean because MacLean does not disclose all of the steps of claim 10. For example, at the least, MacLean does not disclose the following sequence of steps:

- (c) after capturing the first dark frame, determining whether said electronic image sensor is performing an image capture;
- (d) in response to determining that said electronic image sensor is not performing an image capture, capturing a second dark frame in said electronic image sensor and storing said second dark frame; and
- (e) if in said step (c) it is determined that said electronic image sensor is performing an image capture, then subtracting said first dark frame from the captured image,

as is required by claim 10.


Appl. No. 10/025,082  
 Reply to Final Office Action Dated Dec. 29, 2005

MacLean merely discloses that a unique dark frame is captured for each image frame. But nowhere does MacLean disclose capturing a first dark image, then determining whether an image is being captured, and then subsequently either (1) capturing a second dark frame and storing said second dark frame or (2) subtracting said first dark frame from the captured image, depending on whether it was determined that an image was being captured. Because MacLean does not disclose this sequence of steps, MacLean does not anticipate claim 10. Accordingly, Applicant respectfully requests that the Examiner indicate that claim 10 and the claims that depend therefrom are in condition for allowance.

### CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	Brian Rosenbloom, Registration No.: 41,276				
SIGNATURE				DATE	3/27/06
Address	Rothwell, Figg, Ernst & Manbeck Suite 800, 1425 K Street, N.W.				
City	Washington	State	D.C.	Zip Code	20005
Country	U.S.A.	Telephone	202-783-6040	Fax	202-783-6031